DEPARTMENT OF WATER RESOURCES

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September 20, 2006

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Placer County
11414 B Avenue
Auburn, California 95603

Placer Vineyards Specific Plan Revised Draft EIR (PEIR T200540651) State Clearinghouse (SCH) Number: 1999062020

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests a potential encroachment on an Adopted Plan of Flood Control. If indeed your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact Sam Brandon of my staff at (916) 574-0651.

Sincerely,

Mike Mirmazaheri, Chief Floodway Protection Section

cc: Governor's Office of Planning and Research

State Clearinghouse

1400 Tenth Street, Room 121 Sacramento, CA 95814



Encroachment Permits Fact Sheet

Basis for Authority

State law (Water Code Sections 8534, 8608, 8609, and 8710 - 8723) tasks the Reclamation Board with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

Area of Reclamation Board Jurisdiction

The adopted plan of flood control under the jurisdiction and authority of the Reclamation Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by the Reclamation Board can be found in Title 23 Section 112. Information on designated floodways can be found on the Reclamation Board's website at http://recbd.ca.gov/designated_floodway/ and CCR Title 23 Sections 101 - 107.

Regulatory Process

The Reclamation Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of the Reclamation Board.

Details regarding the permitting process and the regulations can be found on the Reclamation Board's website at http://recbd.ca.gov/ under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on the Reclamation Board's website at http://recbd.ca.gov/forms.cfm.

Application Review Process

Applications when deemed complete will undergo technical and environmental review by Reclamation Board and/or Department of Water Resources staff.

Technical Review

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the additional flood risk to third parties that may caused by the project.

Additional information may be requested in support of the technical review of

your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

Environmental Review

A determination on an encroachment application is a discretionary action by the Reclamation Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, the Reclamation Board will be assuming the role of a "responsible agency" within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the "lead agency" [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment of the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (http://www.dfg.ca.gov/1600/),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by the Reclamation Board.

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by Reclamation Board. In these limited instances, the Reclamation Board

may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Reclamation Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.

APPENDIX FEIR-D

The preceding letter commenting on the Revised Draft EIR was received from the State Department of Water Resources (DWR) on September 21, 2006. Because comments were due on the Revised Draft EIR no later than May 18, 2006, the letter did not arrive in time to be included in the body of the Final EIR. However, the County acknowledges receipt of the letter and provides a brief response in the following paragraph.

The commenter suggests that the project may encroach on an "Adopted Plan of Flood Control" and explains that an encroachment permit will be necessary from DWR, if an encroachment is proposed. In a phone conversation with DWR staff, it was determined that the "Adopted Plan of Flood Control" of concern is the channel of Dry Creek (pers. comm., Sam Brandon, October 2006), which is included in a Designated Floodway adopted by the State Reclamation Board on April 12, 1974. The Designated Floodway is entirely within the 100-year flood event designated by FEMA for Dry Creek and as such is not proposed to be disturbed, with the exception of bridge widening and utility crossings. The subjects of flooding, floodways and floodplains are discussed in Section 4.3 of the Revised Draft EIR. The comment concerning the need for an encroachment permit from the Reclamation Board prior to work within a Designated Floodway is acknowledged. Revised Draft EIR Table 3.6-1 is hereby amended as follows:

Revised Table 3.6-I Approvals and/or Permits from Other Agencies	
Approval and/or Permit	Agency
Reorganization (Annexation/Detachments)	Placer County LAFCo
for service area boundary adjustments,	PCWA
and/or service contracts	Sacramento County LAFCo
School district boundary changes	Grant Joint High School District, Center Unified
	School District, Elverta Joint School District,
	Placer County Board of Education
National Pollutant Discharge Elimination	Regional Water Quality Control Board
System Storm Water Discharge Permit	
Section 401 of the Clean Water Act	
Section 404 of the Clean Water Act	U.S. Army Corps of Engineers
Streambed Alteration Agreement	California Department of Fish and Game
Endangered Species Acts	California Department of Fish and Game,
	U.S. Fish and Wildlife Service
Improvement Plans, Encroachment Permits,	Placer County Air Pollution Control District,
Right of Way Acquisition	Placer County Water Agency,
	California Department of Forestry and Fire Protection,
	Dry Creek Fire Department, California American
	Water Company, Sacramento Suburban Water District,
	San Juan Water District, Sacramento Regional County
	Sanitation District, City of Roseville, Sacramento
	County, Sutter County, Roseville Public Cemetery
	District
Wastewater Treatment, Initial and Long-	South Placer Wastewater Authority
Term	Sacramento Regional County Sanitation District
	City of Roseville

Revised Table 3.6-I Approvals and/or Permits from Other Agencies	
Approval and/or Permit	Agency
	U.S. Fish and Wildlife Service
	County of Placer
	South Placer Municipal Utility District
	Regional Water Quality Control Board
Agricultural Water Supply, per Development	City of Lincoln
Standard 8, Exhibit 1 of the Dry Creek/West	·
Placer Community Plan	
Recycled Water Provider Agreement	City of Roseville
Designated Floodway Encroachment Permit	State Reclamation Board